

EXECUTIVE COMMITTEE MEETING

MONDAY, FEBRUARY 10, 2014

2:00 P.M.

TAMALPAIS CONFERENCE ROOM – LOBBY LEVEL
750 LINDARO STREET
SAN RAFAEL, CALIFORNIA



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Belvedere

Sandra Donnell

Corte Madera

Diane Furst

Fairfax

John Reed

Larkspur

Dan Hillmer

Mill Valley

Stephanie Moulton-Peters

Novato

Madeline Kellner

Ross

P. Beach Kuhl

San Anselmo

Ford Greene

San Rafael

Gary Phillips

Sausalito

Herb Weiner

Tiburon

Alice Fredericks

County of Marin

Susan L. Adams
Katie Rice
Kathrin Sears
Steve Kinsey
Judy Arnold

AGENDA

1. Chair's Report (Discussion)
2. Commissioners Comments (Discussion)
3. Executive Director's Report (Discussion)
4. Approval of Minutes from January 13, 2014 (Action) - **Attachment**
5. Division of the TAM Executive Committee into Two Separate Committees (Action) - **Attachment**
6. One Bay Area Grant (OBAG) Project Monitoring (Discussion) - **Attachment**
7. MTC Status Report on the Regional Measure 2 Program (Discussion) - **Attachment**
8. Open time for items not on the agenda



Late agenda material can be inspected in TAM's office between the hours of 8:00 a.m. and 5:00 p.m.
TAM is located at 781 Lincoln Avenue, Suite, 160, San Rafael.

The meeting facilities are accessible to persons with disabilities. Requests for special accommodations (assisted listening device, sign language interpreters, etc.) should be directed to Denise Merleno at 415-226-0820 or email:dmerleno@tam.ca.gov,
no later than 5 days before the meeting date.

MEETING OF THE
TRANSPORTATION AUTHORITY OF MARIN
EXECUTIVE COMMITTEE

JANUARY 13, 2014
2:00 p.m.

TRANSPORTATION AUTHORITY OF MARIN
TAM ROOM on LOBBY LEVEL
750 LINDARO STREET
SAN RAFAEL, CALIFORNIA



MEETING MINUTES

Members Present: Alice Fredericks, Tiburon Town Council, TAM Chair
Diane Furst, Corte Madera Town Council
Gary Phillips, San Rafael City Council
Judy Arnold, Marin County Board of Supervisors, TAM Vice Chair
Madeline Kellner, Novato City Council
Steve Kinsey, Marin County Board of Supervisors

Members Absent: Stephanie Moulton-Peters, Mill Valley City Council

Staff Members Present: Dianne Steinhauser, Executive Director
Bill Whitney, Project Delivery Manager
Dan Cherrier, Project Delivery Manager
David Chan, Manager of Programming and Legislation
Li Zhang, Chief Financial Officer
Linda Jackson, Planning Manager
Scott McDonald, Associate Transportation Planner
Suzanne Loosen, Senior Transportation Planner

Chair Fredericks called the meeting to order at 2:05 p.m.

1. Chair's Report (Discussion)

Chair Fredericks asked staff about PDA funding, particularly related to the Strawberry area. Executive Director Dianne Steinhauser said there would be an update on PDAs (Priority Development Areas) on the agenda for the January 23rd Board meeting, as well as recommendations for funding. She briefly summarized background information including TAM's role to program, or "assign" federal funding coming from the Metropolitan Transportation Commission (MTC) known as the One Bay Area Grant (OBAG) program, for areas that are planned or potential PDA's, in Marin. She noted that there have been changes to the designation of PDA's over the past few months and that the presentation at the upcoming board meeting will cover the current status of PDA's, funding for them, and a new program that staff will bring forward to fund planning for the PDA's. She indicated that the upcoming board packet will include comment letters from the public on this matter.

Chair Fredericks also asked about the Governor's budget and effects on transportation infrastructure funding. ED Steinhauser indicated information on this topic will be available at the next Board meeting, and she noted it looks reasonably favorable for transportation. She discussed budget elements

including available funding from cap-and-trade, appropriation of old Proposition 1B funds, and reimbursement of loans from the General Fund to transportation. Regarding the cap-and-trade revenue stream, however, she noted that the Governor is keeping some control at the state level rather than passing the funds on to local jurisdictions.

Commissioner Phillips asked for clarification on TAM's involvement in determining which areas are designated as PDA's. ED Steinhauser explained that TAM's role is to apply the funding that it has to qualified projects that have been recommended by local jurisdictions, with a policy requirement for certain funds to go toward supporting PDA's. She added that TAM wants to ensure that a local jurisdiction is aware of the financial implications, risks and opportunities of maintaining or removing PDA status from an area. Vice Chair Arnold added that County Supervisor Kathrin Sears had wanted citizens in the Strawberry area to be aware of the potential PDA funding and so had discussed TAM's role in that regard.

2. Commissioner Comments (Discussion)

Commissioner Kinsey expressed excitement that bids have been received for the Central Marin Ferry Connector project and that construction would soon be underway. He briefly discussed how the project would be financed, including backfilling the funding shortfall through TAM interest funds, and a substantial dedication by the County Board of Supervisors of Non-Motorized Transportation Pilot Program funds. He cautioned against appropriating TAM's other bike/ped funding until it is clear how this project proceeds, specifically remaining cautious until all necessary funding approvals have been granted and until it is known how the original cost estimates compare with actual construction costs.

As the representative from the Metropolitan Transportation Commission (MTC), Commissioner Kinsey reported on two upcoming meetings with MTC staff. One is related to Regional Measure 2 (RM2) project funding, and a second meeting relates to the possibility of adding another lane to the Richmond Bridge. He also commented on the rebounding economy and impacts on highways and transit. He observed that now is a good time to start thinking about how TAM has evolved over time and about considering the renewal of Measure A, since the expenditure plan period is halfway through.

Commissioner Madeline Kellner, representative from Novato, expressed excitement at the opportunity to work with TAM again. She also appreciated Commissioner Kinsey's remarks and agreed that there is a need to make the public aware of what TAM has accomplished as well as future transportation needs.

3. Executive Director's Report (Discussion)

ED Steinhauser reminded the Committee of a letter approved by the Board at their December meeting, which, if needed, would be sent to MTC regarding the need to redirect previously approved funds, avoiding the potential loss of funds that could occur due to noncertified Housing Elements. She happily reported that all jurisdictions within the county now had state certified Housing Elements, which would vanquish the possibility of lost funds. She added that housing element updates covering the next RHNA cycle (2015-2022) will be due by the deadline of January 31, 2015.

ED Steinhauser also discussed the need for volunteers from each jurisdiction to be advocates for the Safe Routes to School program and that, as approved by the TAM Board in December, staff sent a

letter to each of Marin's cities/towns requesting that the local councils appoint one of their elected officials to assist in activities in their area.

4. Approval of Minutes from November 14, 2013 (Action)

Commissioner Kinsey moved to approve the minutes of November 14, 2013. Vice Chair Arnold seconded the motion, which was approved, with one abstention by Commissioner Kellner.

5. Review of FY2012-13 Measure A Compliance Audit Results (Action)

ED Steinhauser introduced the item, expressing satisfaction that no significant issues resulted from the audit.

Chief Financial Officer Li Zhang presented the staff report which requested that the Executive Committee review the Measure A compliance audit results and refer it to the TAM Board for review and acceptance. She provided background on the compliance audit requirement, informational workshop held in August 2013, process followed, and a survey that will be sent to all Measure A funding recipients asking for feedback about the process once the reports are accepted by the TAM Board.

Bin Zeng, Audit Manager from Moss, Levy & Hartzheim CPAs, LLP reviewed the methodology, report format, and results of the audit for each of the seven fund recipients selected for this audit cycle, and confirmed there were a few findings on various issues but no major areas of concern. While the team did not issue any findings related to the audit of American Guard Services (AGS) for work conducted on the Crossing Guard program, there was one "observation" related to the practice of providing information, to TAM, related to the mandatory live scan background checks for all guards. Mr. Zeng explained that not all background check reports were made available during the audit and added that, when questioned about this, the company provided a waiver that stated the company did perform the background checks which did show exceptions but that the exceptions would not be enough to disqualify a prospective employee from being hired. He clarified that a finding is an issue that is not in compliance with the requirements of the Expenditure Plan and/or funding agreement/funding plan whereas an observation is simply an issue that could be an inconsistency in a practice. Ms. Zhang reiterated that the contract between TAM and AGS was not clear on this matter and by law, actual background check reports cannot be made available for review by unauthorized parties outside of American Guard Services, Inc. In this case, staff recommended that the contract between TAM and AGS to be clarified and that certification from AGS stating that the required background checks were conducted is adequate for purposes of verification of background checks.

In response to a comment from Commissioner Kellner regarding how do staff confirm that only qualified people are hired to work with the children, ED Steinhauser indicated that staff works closely with AGS and local law enforcement to ensure that necessary safeguards are in place, and county counsel has also confirmed his satisfaction with TAM's practice.

Ms. Zhang also discussed that consideration is being given to allowing the jurisdictions to use their own audit team to conduct the compliance audit, and staff is researching to ensure the best options for the future. She added that one condition staff would impose would be that the cost may not exceed the cost that TAM would incur should TAM's auditor be used. Commissioner Kellner asked, and staff confirmed that TAM would still provide oversight to ensure the correct process is followed.

Chair Fredericks opened and closed public comment on the item with no speakers coming forward.

Commissioner Kellner moved to approve the Compliance Audit Results. Chair Fredericks clarified that the recommended action is to “recommend that the TAM Board accept the Compliance Audit Results”, and Commissioner Phillips seconded the motion. It was unanimously approved.

6. Review of FY 2013-14 Second Quarter Financial Report and CalTRUST Investment Performance (Information)

Chief Financial Officer Li Zhang presented this information item, noting that the ½ cent transportation sales tax revenue received was up by almost 10% compared to the same period last year. Commissioner Kinsey said he thought it would be helpful to have a graphic demonstrating the overall success of the Measure A program from the beginning by showing the differences between the original revenue estimates with what was built in for inflation over time and what the actual has annual revenue collections have been. He thinks this shows the prudence of taking a conservative approach to revenues and that the revenue is not only improved from last year but that the total over time has exceeded what was initially projected.

Ms. Zhang reported that the Measure B revenue was up compared to last year as well, but she noted that that revenue stream will likely hold steady because it is based on the number of registered vehicles in the county, which is not expected to vary substantially over time.

She briefly commented on the fact that most of the expenditure lines appear to be much lower than the budgeted amounts, which could be due to time needed by vendors to prepare and submit payment requests to TAM and/or project schedule changes.

Ms. Zhang continued her report with the positive results of the CalTRUST Investment Performance Review of the first quarter since TAM changed investment strategies last quarter. She noted that the interest revenue of \$25 million fund balance that was moved to various CalTRUST was accounts \$41,825, which is \$29,325 higher than the \$12,500 TAM would have earned had it chosen to keep those funds in the Marin County Investment Pool.

Staff also responded to questions/comments from the Committee, as follows: Commissioner Kinsey asked about why the total expended thus far for salaries and benefits as over budget, which Ms. Zhang explained was due to the fact that January salaries were paid for in December. He asked and ED Steinhauser confirmed that TAM’s benefits comparison study is in the budget for this and next fiscal year. He finalized his questions by asking why there have not been expenditures for some projects and whether that was based on the project priority. ED Steinhauser explained the reason for this is funding for the projects in question has just now become available. OBAG funds were dependent on approval of Plan Bay Area in July. The federal approval was delayed until after the start of the federal fiscal year October 1st, and progress has been made since that time, though billings lag typically behind activity.

Chair Fredericks opened and closed public comment on the item with no speakers coming forward.

ED Steinhauser asked whether Items 5 and 6 could be placed on the Consent Calendar for the meeting of January 23rd, to which the Committee agreed. Commissioner Kinsey suggested that ED Steinhauser provide some information in her Executive Director’s report on the quarterly report, especially highlighting the good news.

7. Review of Community-Based Transportation Plan RFP Draft Work Scope (Discussion)

ED Steinhauser introduced Planning Manager Linda Jackson, to discuss the public process to review and update TAM's Community-Based Transportation Plans (CBTP) for Marin City and a new one for the City of Novato. She also noted the City of San Rafael declining to update their CBTP at this time. Ms. Jackson explained the purpose of the program to provide transportation gaps in low-income areas and that in order to qualify for Lifeline funding, a community must have a community-based transportation plan which is primarily created through the help of stakeholders and residents of that community. She reviewed the proposed scope of work for the two plans and the tentative schedule for releasing the request for proposals to select a consultant to begin the work.

Regarding the scope of work, Commissioner Kellner asked for clarification on the scope of work, which Ms. Jackson provided. She asked if the contractor will be tasked with identifying the core areas to be addressed or if the city/county will provide input. Ms. Jackson replied that identification is through a census-based process using the census of 2010 for 8 factors identified by MTC. She added that the consultant will be asked to work with that information but that city/county staff will also be contacted and provide feedback.

Commissioner Furst commented on the role of the TAM Bicycle and Pedestrian Advisory Committee (BPAC) and their current efforts to develop a countywide bike plan. She was concerned that the needs they identify will be communicated and included in future community planning efforts. Ms. Jackson noted that communication and collaboration with local jurisdiction staff on the bike plan as well as the general plan will occur.

Commissioner Kinsey asked if MTC had modified the demographic requirement for Lifeline funds, to expand beyond the original census tracts. ED Steinhauser said yes, provided that TAM can document why/how an area meets the intent and goals of the program.

ED Steinhauser discussed San Rafael's reason for not pursuing an update of the Canal Neighborhood CBTP and expressed the logic behind their decision. She indicated TAM would continue to consider those unbuilt projects from their previous plan with the funding that becomes available, in addition to projects from the new CBTPs.

Chair Fredericks opened and closed public comment on the item with no speakers coming forward.

8. Open Time for Items Not on the Agenda

Seeing no one wishing to speak, Chair Fredericks adjourned the meeting at 3:10 p.m.



February 10, 2014

TO: Transportation Authority of Marin Executive Committee

FROM: Dianne Steinhauser, Executive Director

RE: Division of the TAM Executive Committee into Two Separate Committees (Action)
Agenda Item 5

Dear Commissioners:

Executive Summary

The transportation work TAM staff is managing is extensive and often complex. The TAM Board is well-suited to grasp the issues and related complexities, but at times only grasps the nature of the decision at the TAM board meeting once they have engaged staff in questions and answers, have explored the background and context of an issue, and have related the issue or opportunity to their own local jurisdiction. Staff wish to engage more TAM Board members, and in more detail, in the work that we do. Staff is recommending splitting the Executive Committee into two committees, to be able to bring more items, in more detail, forward for discussion, to more effectively manage the TAM Board meetings, and to be able to bring a broader contextual framework to the decisions the TAM Board is asked to make. Equally important is engaging TAM Board members in understanding and supporting the efforts of TAM in the broader community of Marin and with their colleagues on the TAM Board.

Recommendation: Staff seeks input from the TAM Executive Committee to divide the Executive Committee into two separate committees.

Background

Since 2004, TAM's role has evolved. This has been due to two primary changes: The approval of a \$10 Vehicle Registration Fee in Marin, creating several new programs in Marin; and the emerging role of the Congestion Management Agency representing regional polices and carrying out regional programs at the local level. Regarding the first, the successful passage of a \$10 Vehicle Registration Fee in Marin, sponsored by TAM, created a number of programs that have been underway since the passage of the program in 2010. Below are those programs and the lead agency in implementing them:

- Senior Mobility - Marin Transit
- Alternative Fuel Vehicles and Infrastructure – TAM

- Employer and Employee Commute Alternatives - TAM
- Safe Routes Crossing Guards – TAM
- Local Street and Road Maintenance - Local Cities, Towns, and the County
- Bike/Ped Path Maintenance - Local Cities, Towns, and the County

Each of these programs has related state and regional programs—and grant opportunities—that allow the programs to be a lot more effective than just the funds from the VRF. TAM and its partner agencies have developed an extensive network of advisors, locally, for many of these programs, such as TAM's Electric Vehicle Working Group, or Marin Transit's Mobility Management Consortium. As well, there are companion technical and policy groups at the regional level, which TAM and/or its partners attend, such as the MTC Active Transportation Working Group (bike/pedestrian), the MTC Rideshare TAC, the Bay Area Electric Vehicle Strategic Council, as well as others. TAM and its partners regularly coordinate with both local and regional stakeholders. While the TAM Board has engaged in a process of receiving an annual update on each of these programs, mid-year status reports and review of effectiveness and efficiency on a more frequent basis is warranted.

In the area of the Congestion Management Agency role, TAM's activity has increased substantially. MTC and ABAG have brought implementation down to the local level, and rely on the CMA's to implement numerous programs. The CMA's have, as a result, embedded themselves in numerous policy initiatives of both MTC and ABAG early on in their development, increasing substantially the level of coordination activity with both staff and MTC Commissioners. Here are just a few examples:

- Transportation and Land Use Connectivity. The Plan Bay Area implementation thru the OBAG grant program is the responsibility of the CMA's. While land use decisions remain solely the responsibility of the local jurisdiction land use authority, incentivizing Transit Oriented Development has become a joint role of MTC/ABAG and the CMA's.
- Lifeline Transportation. To build upon local collaboration and coordination efforts in identifying community transportation needs and advancing solutions, the Lifeline Transportation Program is generally administered at the county level by county congestion management agencies (CMAs), which also oversee MTC's Community Based Transportation Planning Program.
- Freight Movement. In 2004, MTC developed a Regional Goods Movement Study, which was substantially updated in 2004, and more recently updated in mid-2013. But freight coordination activity has increased at both the state and federal level - the CMA's have representation on both the State and Federal Freight Advisory Committees and regularly participate in feedback and discussions. TAM and SCTA coordinate closely with the North Bay Leadership Council regarding these issues.
- Climate Change. MTC is initiating a second round to their 2010 effort to assign funds to projects and programs that effectively address climate change and the increasing role of transportation agencies in finding ways to reduce Greenhouse Gas Emissions. MTC is bringing ideas forward through their committee structure, as well as BAAQMD and ABAG discussing their role in these initiatives, such as BAAQMD's Bikeshare grant management and ABAG's Electric Vehicle Charging Station grant management.

- Partnership Legislative Committee. MTC regularly engages the CMA's and transit operators on statewide budget and policy issues. MTC endeavors to reach a consensus on key issues before the Administration or the legislature prior to sponsorship or lobbying efforts their Commission may undertake.

The TAM Board receives updates on these efforts at the time TAM is engaged in assigning funds, submitting or accepting a grant, or being tasked to develop a workplan and implement a program. Many of these efforts are briefly mentioned in the Executive Director's Report.

The world of transportation in the Bay Area has become more complex and interrelated to a number of other social, political, and scientific initiatives, whether it be economic growth and its impacts on congestion, climate change and the contribution of vehicular sources to greenhouse gasses, housing workers closer to job centers, or shifting priorities to addressing the transportation needs and impacts of all human sectors of the economy.

Proposal Framework

The transportation work TAM staff is managing is extensive and often complex. The TAM Board is well-suited to grasp the issues and related complexities, but at times only grasps the nature of the decision at the TAM board meeting once they have engaged staff in questions and answers, have explored the background and context of an issue, and have related the issue or opportunity to their own local jurisdiction. Staff wish to engage more TAM Board members, and in more detail, in the work that we do. Staff is recommending splitting the Executive Committee into two committees, to be able to bring more items, in more detail, forward for discussion, to more effectively manage the TAM Board meetings, and to be able to bring a broader contextual framework to the decisions the TAM board is asked to make. Equally important is engaging TAM board members in understanding and supporting the efforts of TAM in the broader community of Marin and with their colleagues on the TAM Board.

The TAM Executive Committee was formed in 2004, when TAM expanded to its current representation. At the time, TAM's role was substantially geared towards the implementation of the transportation sales tax program, known as Measure A. The methods, procedures, and systems of operation and management of the authority was described in the TAM Administrative Code, adopted as Ordinance 2004-02, by TAM at its meeting of July 22nd, 2004. In the Administrative Code, Section 104.2 (b) (1) and (b) (2), the Executive Committee is described as follows, and reference is provided to the development of other such committees as deemed necessary from time to time:

Administrative Code, Section 104.2 (b) Standing Board Committees of the Authority.
The following Standing Board Committees are hereby created:

- (1) Executive Committee. The Executive Committee membership shall consist of two Commissioners from the Board of Supervisors and five Commissioners from City and Town Councils and include, at a minimum, the Chair, the Vice Chair, and five at-large Commissioners appointed by the Board. The Executive Committee membership shall represent a geographic balance, including at least one representative each from the five planning areas of the County: Northern Marin, Central Marin, Ross Valley, Southern Marin, and West Marin. The purpose of the Executive Committee is to advise the Board and plan Board activities. A quorum of the Executive Committee shall consist of four Commissioners.

- (2) Other Committees. The Board may establish such other Standing or other Board Committees, as deemed necessary or advisable from time to time. The Chair, with the concurrence of the Board, may establish such other special, ad hoc, or other Board Committees, as he or she deems necessary or advisable from time to time.

Staff is recommending that the Executive Committee be expanded due to the workload increase TAM has experienced. Staff recommends the Committee be split into two separate committees and be tasked with discussing more work in more detail in advance of the TAM board meetings.

Staff is committed to bringing its work forward sooner to enable the TAM committees to consider items well in advance of the TAM Board meetings, and providing sufficient background and context to enable quality discussions of issues.

A multi-committee structure is practiced by a number of agencies around the Bay Area that are similar to TAM. As well, a number of our board members sit on agencies in Marin County or on multi-county agencies where a committee structure is common. Attached is a summary of research conducted to date by TAM (Attachment A) regarding committees operating under other agencies. Note that these committee structures have functioned well in managing the detailed work of the agency.

Proposal Details

TAM has analyzed its workload over the past two years and assigned our work elements to one of five categories:

Administrative - TAM's activity to in managing staff resources, membership on committees or advisory groups, its annual reports.

Planning - Specific planning studies, work to oversee regional planning efforts such as Plan Bay Area, coordinating with local partners on their planning efforts.

Programming - All of the funds TAM must assign to specific projects or programs in Marin, including federal, state, regional and local. All Measure A and Measure B programming comes through here.

Finance - TAM's role in developing and adopting budgets, assessing Quarterly reports of revenue and expenditure, determining financial investments, managing loans, reserves, and overseeing TAM's audit processes.

Projects - TAM directly manages projects in concert with partners such as Caltrans, FHWA, MTC, Local Cities, Towns and the County.

Legislation - Adoption of an annual legislative platform, as well as adopting positions, and/or sending letters of support or opposition on specific state budget elements or bills of interest.

See the attached breakdown (Attachment B) of TAM's work elements over the last two years.

Reviewing the workload elements over the last two years, and considering the synergy between some of the work elements TAM manages, staff recommend one of two options:

Option A

Committee One: Administration, Finance, Planning, Legislation
Committee Two: Programming, Projects

Option B

Committee One: Administration, Finance, Projects, Legislation
Committee Two: Planning, Programming

There are different roles TAM plays in each of the functional elements described above. Each role has standing and relevance, whether adopted in state legislation, required under regional policies, or promised to the public in Marin County through adopted revenue expenditure plans. Staff can discuss the current roles and examples of activity under each element.

TAM Board Management

An expanded committee structure has the capability to better streamline TAM Board meetings.

In 2008, TAM staff approached the TAM board with the idea of keeping board meetings to a reasonable length and purpose - the TAM Board concurred that allowing more items on the Consent Calendar and keeping the meetings to two hours or less was advisable. This was done in lieu of expanding TAM's committee structure. As noted above, TAM's workload has expanded substantially since then.

In 2012 and 2013, there were 10 meetings that were over 2 & ½ hours in length and 15 meetings that were over 2 hours in length (Attachment B). TAM's workload does not allow a lesser amount of time to be spent. If an expanded committee structure were available, more items could be considered in detail at the committee level, and assuming trust is maintained between the committee and the overall TAM Board, board meetings can be held for the most critical countywide items, and for which the public is most involved. Currently, many items of import cannot be discussed at the Executive Committee level, due to the limited time at those meetings

Note there are TAM Board members willing to serve on the expanded committees that currently don't serve on the Executive Committee. Note also the overall time will be maintained, with meetings every 2nd Monday of each month, from 2 to 5 PM. Staff envision canvassing each existing Executive Committee member for their preference on which committee to serve on. Staff also envision maintaining the current adherence to all Brown Act requirements, and the detailed advance reports staff currently provide.

Recommendation: Staff seeks input from the TAM Executive Committee to divide the Executive Committee into two separate committees.

Attachments:

- A) Committee Structure Summary
- B) TAM Two-Year History of Work Elements

BOARD/COMMITTEE STRUCTURE SUMMARY			
AGENCY	BOARD/COMMITTEES	# OF MEMBERS	NOTES
SFCTA	BOARD (San Francisco County)	11	
	FINANCE COMMITTEE	5	Plus one ex-officio member
	PLANS & PROGRAMS COMMITTEE	5	Plus one ex-officio member
	PERSONNEL COMMITTEE	3	
ACTC	BOARD (Alameda County)	22	
	FINANCE & ADMINISTRATION COMMITTEE (FAC)	5	plus 2 ex-officio members
	PROGRAMS & PROJECTS COMMITTEE (PPC)	7	plus 2 ex-officio members
	PLANNING, POLICY & LEGISLATION COMMITTEE (PPLC)	8	plus 2 ex-officio members
SCVTA	BOARD (Santa Clara County)	17	Plus 2 ex-officio member
	ADMINISTRATION & FINANCE COMMITTEE	7	
	AUDIT COMMITTEE	4	
	CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE	7	
	SVRT PROGRAM WORKING COMMITTEE	3	Plus one ex-officio member
	TRANSIT PLANNING & OPERATIONS	5	
STA	BOARD (Solano County)	8	
	EXECUTIVE COMMITTEE	4	
C/CAG	BOARD (San Mateo County)	23	Plus 2 ex-officio members
	FINANCE COMMITTEE	7	
	LEGISLATIVE COMMITTEE	16	
	CONGESTION MANAGEMENT & ENVIRONMENTAL QUALITY COMMITTEE	9	
SCTA	BOARD (Sonoma County)	12	
	EXECUTIVE COMMITTEE	5	
NCTPA	BOARD (Napa County)	13	
MTC	MTC FULL BOARD	19	
	BATA FULL BOARD	19	
	SAFE FULL BOARD	19	
	EXECUTIVE COMMITTEE - AT CALL	13	
	BATA OVERSIGHT BOARD	8	
	ADMINISTRATION COMMITTEE	8	
	PROGRAMMING & ALLOCATION COMMITTEE	8	
	PLANNING COMMITTEE	9	
	OPERATIONS COMMITTEE	9	
	LEGISLATION COMMITTEE	9	
GGBH&TD	BOARD (Golden Gate Bridge Highway & Transportation District)	19	
	TRANSPORTATION COMMITTEE	8	Plus one ex-officio member
	FINANCE-AUDITING COMMITTEE	8	Plus one ex-officio member
	BUILDING & OPERATIONS COMMITTEE	8	Plus one ex-officio member
	GOVERNMENTAL AFFAIRS & PUBLIC INFORMATION COMMITTEE	8	Plus one ex-officio member
	RULES, POLICY & INDUSTRIAL RELATIONS COMMITTEE	5	Plus one ex-officio member

TAM Two-Year History of Work Elements

Date	Length of TAM Board Meeting	Items on consent not discussed at Committee level	Item Breakdown by function				
			Admin	Finance	Programming	Planning	Projects
2012							
1/9/2012	1:30		1				1
1/26/2012	3:19		1	2		5	
2/23/2012	1:58		1		3		1
3/22/2012	1:54	2		1	3	1	3
4/26/2012	2:42	1	1	2	3	3	
5/31/2012	1:05	6	2	1	4		4
6/28/2012	2:52	4		1	7	2	4
7/17/2012	2:15		2		3	1	1
9/10/2012	2:03		1		1	1	1
10/25/2012	2:07			2	2		2
11/29/2012	1:57	2			4	1	
2013							
1/24/2013	4:00	4	2	2	2	2	4
2/28/2013	2:37			1	2	1	
3/28/2013	2:36	2	1	1		1	6
4/25/2013	4:00	4	1	3	4	2	2
5/13/2013	2:15		1	3		1	2
6/27/2013	4:00		2	2	6	2	6
7/23/2013	2:00		1				
7/25/2013	2:55	6		1	5	1	6
9/26/2013	6:50	1	1		1	2	1
10/24/2013	1:39			2	2	1	3
12/5/2013	1:36	3	2		2	4	1
		35	20	24	54	31	48



February 10, 2014

TO: Transportation Authority of Marin Executive Committee
FROM: Dianne Steinhauser, Executive Director
THROUGH: David Chan, Programming Manager
RE: One Bay Area Grant (OBAG) Project Monitoring (Discussion) – Agenda Item 6

Dear Commissioners:

Executive Summary

While the One Bay Area Grant Program was created by MTC, the underlining funds for OBAG are federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) funds. MTC, in coordination with Caltrans, has established deadlines for projects programmed with STP and CMAQ funds to ensure timely project delivery against state and federal funding deadlines. These deadlines and requirements have been codified in MTC Resolution 3606 (adopted July 2008).

Resolution 3606 establishes a standard policy for enforcing project funding deadlines and project substitutions for these funds. These policies include various deadlines and requirements that must be satisfied to ensure that funds programmed to a project will be available for reimbursement of eligible project costs. It is critical that funds on projects demonstrating inability to meet the deadlines established in Resolution 3606 are reprogrammed to other projects to avoid losing the funds.

When TAM adopted programming of OBAG funds in November 2012, the Board agreed that the use of the funds would be monitored, to assure the intended projects were making adequate progress and were able to meet fund deadlines. The proposed monitoring system, as seen in Attachment B, for federally-funded projects in Marin County is intended to highlight upcoming deadlines and project delivery requirements. TAM has supported and will continue to support our jurisdictions in navigating the federal-aid process and/or coordinating through Caltrans. Funds were adopted through TAM's annual budget process for this support. Staff initially is proposing to monitor projects having OBAG funds. If the system proves to be effective and adds value to our member jurisdictions, the system can be expanded to monitor more funding sources. Staff intends to share the monitoring system with the Marin Public Works Association (MPWA) and work with Public Works Directors on impending deadlines.

Recommendation: Discussion only.

Background

In 2012, the Metropolitan Transportation Commission (MTC) adopted OBAG to establish policies and programming of federal surface transportation funds, covering four years - FY 12/13, FY 13/14, FY 14/15, and FY 15/16. OBAG included various federal transportation funds. A total of \$795 million was available to the Bay Area. MTC has set aside \$475 million for regional programs that will be administered by MTC. The remainder was distributed to the nine counties for their programming of projects. Based on the OBAG distribution formula, Marin received \$10,028,000 for the four-year period. A year after the original programming, Marin also received \$750,000 in PDA Planning funds intended for planning projects in areas designated as Priority Development Areas (PDAs).

In November 2012, the TAM Board adopted project priorities as shown in Attachment A for the programming of OBAG funds. The project priorities were supplemented in January 2014 with the partial programming of PDA Planning funds. The TAM Board will address the remaining PDA Planning funds in March 2014. Attachment A constitutes the programming of all OBAG funds to date. Nearly all of the funds have been programmed in FY 14/15 and FY 15/16.

Federal Funds Requirements

While the OBAG Program was created by MTC, the underlining funds for OBAG are federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ) funds. MTC, in coordination with Caltrans, has established deadlines for projects programmed with STP and CMAQ funds to ensure timely project delivery against state and federal funding deadlines. These deadlines and requirements have been codified in MTC Resolution 3606 (adopted July 2008).

Resolution 3606 establishes a standard policy for enforcing project funding deadlines and project substitutions for these funds. It is intended to improve the Region's success rate in delivering projects funded wholly, or in part, with federal funds programmed. These policies include various deadlines and requirements that must be satisfied to ensure that funds programmed to a project will be available for reimbursement of eligible project costs.

It is the responsibility of the implementing agency at the time of project application and programming to ensure the regional deadlines and provisions of the regional project funding delivery policy can be met. MTC staff actively monitors and reports the obligation status of projects and makes recommendations to the Partnership Technical Advisory Committee (PTAC) as necessary. It is critical that funds on projects demonstrating inability to meet the deadlines established in Resolution 3606 are reprogrammed to other projects to avoid losing the funds.

Proposed Monitoring System

The proposed monitoring system, as seen in Attachment B, for federally-funded projects in Marin County is intended to highlight upcoming deadlines and project delivery requirements. The essential goal is for projects to be delivered in accordance with required deadlines on the funds, with enough advance warning of any pending issues to allow funds to be redirected so as not to be lost to Marin. Staff initially is proposing to monitor projects with OBAG funds. If the system proves to be effective and adds value to our local jurisdictions, the system can be expanded to monitor more funding sources. Staff intends to share the monitoring system with the Marin Public Works Association (MPWA) and inform Public Works Directors on impending deadlines.

The attached sample monitoring system uses red, yellow and green “zones” to differentiate between the various levels of risk associated with the project delivery activities and milestones required by Resolution 3606.

The project delivery requirements set forth in Resolution 3606 are spread over the life of a project from the federal aid perspective. Specific requirements include, but are not limited to, the following:

- requesting a field review,
- submitting an environmental package, if needed;
- obligating funds;
- advertising construction;
- awarding a contract;
- submitting invoices;
- liquidating funds; and
- closing out the project.

The primary objective of the proposed monitoring system is to flag upcoming deadlines with enough lead time to allow for project sponsors and implementing agencies to react and meet the deadline. Projects in the “Red Zone” would ideally have enough time to meet the deadline from the point they enter the Red Zone, but with little float in the schedule for the required activity. Yellow Zone projects would presumably have some “float” in the schedule for the required activity or milestone such that the risk of not meeting the deadline is considered moderate. Green Zone projects are considered at low risk of non-compliance.

The proposed monitoring system requirements and zone criteria are included in Appendices A & B of the Attachment B. The durations for the Zone Criteria will be reviewed as the monitoring system is implemented and adjusted based on actual experiences. The intent is to use the Red Zone as a red flag to allow adequate time for all parties involved to react and fulfill the requirements without raising unnecessary or unwarranted concerns.

A “Funding At Risk Report” will be prepared quarterly with preliminary drafts submitted to the project sponsors and implementing agencies during the month preceding the Report being presented to the TAM Executive Committee and Board. The proposed monitoring system does not require any documentation that is not currently required by other funding agencies, only copies of such documents to confirm the requirements have been satisfied.

Recommendation: Discussion only.

Attachment A: Approved Projects with OBAG funds

Attachment B: Proposed Project Monitoring

Attachment A - TAM Adopted Projects with OBAG Funds					
No.	Sponsor	Project	Approved OBAG Funds	PDA Planning Funds ¹	Total
1	Marin County	Central Marin Ferry Connection Project	\$1,500,000		\$1,500,000
2	Marin County	Donahue Street Road Rehabilitation Project	\$1,077,000		\$1,077,000
3	Novato	DeLong Avenue and Ignacio Boulevard Highway Interchange Resurfacing	\$779,000		\$779,000
4	San Rafael	Del Presidio Blvd. & Pt. San Pedro Rd. Resurfacing	\$457,000		\$457,000
5	San Rafael	Regional Transportation System Enhancements in Downtown San Rafael	\$1,900,000		\$1,900,000
6	Marin County	North Civic Center Drive Improvements	\$650,000		\$650,000
7	Fairfax	Circulation and Safety Improvements (Parkade)	\$300,000		\$300,000
8	Ross and San Anselmo	Bolinas Avenue & Sir Francis Drake Intersection Improvements	\$274,000		\$274,000
9	TAM	CMA Planning: Community-Based Transportation Plans for the Canal Neighborhood, Marin City, and Novato	\$75,000	\$100,000	\$175,000
10	TAM	CMA Planning: Implementation of Ramp Metering - Local Agency Engineering Support	\$200,000		\$200,000
11	TAM	CMA Planning: Almonte Shoreline - Project Study Report along Marin 1 from Coyote Creek Bridge to Flamingo Road	\$175,000		\$175,000
12	TAM and San Anselmo	CMA Planning: Feasibility Study for Fairfax-San Rafael Transit Corridor	\$0	\$135,000	\$135,000
13	TAM	CMA Planning: Route 101 Interchange Improvements at East Blithedale Avenue/Tiburon Boulevard	\$175,000		\$175,000
14	Sausalito	CMA Planning: South Gateway Complete Streets Improvements	\$125,000		\$125,000
15	San Rafael	Planning for an Integrated Transit Center in Downtown San Rafael	\$0	\$255,000	\$255,000
Subtotal			\$7,687,000	\$490,000	\$8,177,000
16	TAM	CMA Planning and Outreach (Set by MTC)	\$2,341,000	\$37,500	\$2,378,500
Total Programmed			\$10,028,000	\$527,500	\$10,555,500
Total Revenue Available			\$10,028,000	\$750,000	\$10,778,000
Remaining ²			\$0	\$222,500	\$222,500

¹ Includes PDA planning funds approved January 2014

² TAM Board will consider the programming for the remaining PDA Planning fund in March 2014

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Red Zone Projects

Index	TIP ID	Sponsor	Project Title	Prog'd Amount			Date Req'd		Prev Zone		
				Fund Source	(\$ x 1,000)	Phase	FY	Required Activity		By	Zone
1	MRN111111	Mill Valley	Sample Project Mill Valley 1	RIP-TE	\$282	Con	13/14	Submit Req for Auth	02/01/14	R	NA
								Obligate Funds	04/30/14	Y	
Project Notes:											
1. RIP-TE funding added in TIP Amendment No. 13-04											
2	MRN222222	MTC	Sample Project MTC 1	STP	\$750	Con	13/14	Submit Req for Auth	02/01/14	R	NA
Project Notes:											
1. Project added in TIP Amendment No. 13-04 (OBAG Programming).											
3	MRN333333	San Rafael	Sample Project San Rafael 1	STP	\$37	PE	13/14	Submit Req for Auth	02/01/14	R	NA
								Obligate Funds	04/30/14	Y	
				STP	\$420	Con	14/15	Submit Req for Auth	02/01/15	G	
								Obligate Funds	04/30/15	G	
Project Notes:											
1. Project added in TIP Amendment No. 13-04 (OBAG Programming).											

End of Red Zone

Yellow Zone Projects

Index	PP No.	Sponsor	Project Title	Prog'd Amount			Date Req'd		Prev Zone			
				Fund Source	(\$ x 1,000)	Phase	FY	Required Activity		By	Zone	Funding Notes
4	MRN123456	Corte Madera	Sample Project Corte Madera 1	HSIP	\$120	Con	12/13	Liquidate Funds	06/02/14	Y	NA	
								Complete Closeout	12/02/14	G		Con Obligated 2/16/12
				HSIP	\$23	PE	Prior					PE Obligated 11/18/10
5	MRN654321	Marin County	Sample Project Marin County 1	STP	\$458	Con	12/13	Liquidate Funds	06/02/14	Y	NA	
								Complete Closeout	12/02/14	G		\$458 Obligated 4/11/13
				STP	\$59	PE	Prior					Obligated 11/22/10

End of Yellow Zone

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Green Zone Projects

Index	TIP ID	Sponsor Program	Project Title	Phase	FY	Required Activity	Date required		Zone	Funding Notes	rev Zone	
							By	Zone				
6	MRN112233	Fairfax	Sample Project Fairfax 1	Con	14/15	Submit Req for Auth	02/01/15	G			NA	
							Obligate Funds	04/30/15				G
7	MRN223344	Novato	Sample Project Novato 1	Con	11/12	Liquidate Funds	04/12/18	G	\$525 Obligated 4/12/12 Awarded 6/17/12		NA	
8	MRN445566	San Rafael	Sample Project San Rafael 2	Con	14/15	Submit Req for Auth	02/01/15	G			NA	
							Obligate Funds	04/30/15				G
							Liquidate Funds	04/17/19				G
9	MRN556677	Sausalito	Sample Project Sausalito 1	Con	10/11	Liquidate Funds	03/08/17	G	\$350 Obligated 3/8/11 Awarded 5/17/11		NA	
10	MRN667788	TAM	Sample Project TAM 1	PE	12/13	Liquidate Funds	09/08/18	G	\$350 Obligated 9/8/12		NA	

End of Green Zone

Notes:

1. General Notes about information included in Report.
2. References to applicable guidelines and funding requirements.

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Appendix A Federal At Risk Report Zone Criteria Required Activities per Resolution 3606 (Revised July 23, 2008)

Required Activities Monitored by TAM ¹	Criteria Timeframes for Required Activities		
	Red Zone	Yellow Zone	Green Zone
Request Project Field Review	Project in TIP for more than nine (9) months, or obligation deadline for Con funds within 15 months.	Project in TIP for less than nine (9) months, and obligation deadline for Con funds more than 15 months away.	All conditions other than Red or Yellow Zones
Submit Environmental Package	NA	NA	NA
Approved DBE Program and Methodology	NA	NA	NA
Submit Request for Authorization (PE)	within three (3) months	within three (3) to six (6) months	All conditions other than Red or Yellow Zones
Submit Request for Authorization (R/W)	within four (4) months	within four (4) to nine (9) months	All conditions other than Red or Yellow Zones
Submit Request for Authorization (Con)	within six (6) months	within six (6) to nine (9) months	All conditions other than Red or Yellow Zones
Obligation/ FTA Transfer	within two (2) months	within two (2) to four (4) months	All conditions other than Red or Yellow Zones
Advertise Construction	within four (4) months	within four (4) to six (6) months	All conditions other than Red or Yellow Zones
Award Contract	within six (6) months	within six (6) to nine (9) months	All conditions other than Red or Yellow Zones
Award into FTA Grant	within two (2) months	within two (2) to four (4) months	All conditions other than Red or Yellow Zones
Submit First Invoice	within two (2) months	within two (2) to four (4) months	All conditions other than Red or Yellow Zones
Liquidate Funds	within four (4) months	within four (4) to nine (9) months	All conditions other than Red or Yellow Zones Move to Appendix D
Project Closeout	within four (4) months	within four (4) to nine (9) months	All conditions other than Red or Yellow Zones
Other Zone Criteria			
Red Zone	Projects with funds programmed in the same FY for both a project development phase (i.e. Env or PSE) and a capital phase (i.e. R/W or Con) without the project development phase(s) obligated.		
Yellow Zone	Projects with an Amendment to the TIP pending.		
Notes: ¹ See Appendix B for more information about the Required Activities and Resolution 3606.			

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Appendix B

Definitions of the Required Activities per Resolution 3606 (As revised July 23, 2008)

Index	Definition	Deadline
1	Req Proj Field Rev	
	Per MTC Resolution 3606-Revised, "Implementing agencies are required to request a field review from Caltrans Local Assistance within 12 months of approval of the project in the TIP ¹ , but no less than 12 months prior to the obligation deadline of construction funds. This policy also applies to federal-aid projects in the STIP. The requirement does not apply to projects for which a field review would not be applicable, such as FTA transfers, regional operations projects and planning activities. Failure for an implementing agency to make a good-faith effort in requesting and scheduling a field review from Caltrans Local Assistance within twelve months of programming into the TIP could result in the funding being reprogrammed and restrictions on future programming and obligations. Completed field review forms must be submitted to Caltrans in accordance with Caltrans Local Assistance procedures."	12 months from approval in the TIP ¹ , but no less than 12 months prior to the obligation deadline of construction funds.
2	Sub ENV package	
	Per MTC Resolution 3606-Revised, "Implementing agencies are required to submit a complete environmental package to Caltrans for all projects (except those determined Programmatic Categorical Exclusion as determined by Caltrans at the field review), twelve months prior to the obligation deadline for right of way or construction funds. This policy creates a more realistic time frame for projects to progress from the field review through the environmental and design process, to the right of way and construction phase. If the environmental process, as determined at the field review, will take longer than 12 months before obligation, the implementing agency is responsible for delivering the complete environmental submittal in a timely manner. Failure to comply with this provision could result in the funding being reprogrammed. The requirement does not apply to FTA transfers, regional operations projects or planning activities."	12 months prior to the obligation deadline for RW or Con funds. (No change)
3	Approved DBE Prog	
	Per MTC Resolution 3606-Revised, "Obligation of federal funds may not occur for contracted activities (any combination of environmental/ design/ construction/ procurement activities performed outside the agency) until and unless an agency has an approved DBE program and methodology for the current federal fiscal year. Therefore, agencies with federal funds programmed in the TIP must have a current approved DBE Program and annual methodology (if applicable) in place prior to the fiscal year the federal funds are programmed in the TIP. STP/CMAQ funding for agencies without approved DBE methodology for the current year are subject to redirection to other projects after March 1. Agencies should begin the DBE process no later than January 1 to meet the March 1 deadline. Projects advanced under the Expedited Project Selection Process (EPSP) must have an approved DBE program and annual methodology for the current year (if applicable) prior to the advancement of funds."	Approved program and methodology in place prior to the FFY the funds are programmed in the TIP.
4	Sub Req for Auth	
	Per MTC Resolution 3606-Revised, "In order to ensure funds are obligated or transferred to FTA in a timely manner, the implementing agency is required to deliver a complete funding obligation / FTA Transfer request package to Caltrans Local Assistance by February 1 of the year the funds are listed in the TIP. Projects with complete packages delivered by February 1 of the programmed year will have priority for available OA, after ACA conversions that are included in the Obligation Plan. If the project is delivered after February 1 of the programmed year, the funds will not be the highest priority for obligation in the event of OA limitations, and will compete for limited OA with projects advanced from future years. Funding for which an obligation/ FTA transfer request is submitted after the February 1 deadline will lose its priority for OA, and be viewed as subject to reprogramming."	February 1 of FY in which funds are programmed in the TIP.

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Definitions of the Required Activities per Resolution 3606 (As revised July 23, 2008)

Index	Definition	Deadline
5	Obligate Funds/ Transfer to FTA	
	Per MTC Resolution 3606-Revised, "STP and CMAQ funds are subject to an obligation/FTA transfer deadline of April 30 of the fiscal year the funds are programmed in the TIP. Implementing agencies are required to submit the completed request for obligation or FTA transfer to Caltrans Local Assistance by February 1 of the fiscal year the funds are programmed in the TIP, and receive an obligation/ FTA transfer of the funds by April 30 of the fiscal year programmed in the TIP. For example, projects programmed in FY 2007-08 of the TIP have an obligation/FTA transfer request submittal deadline (to Caltrans) of February 1, 2008 and an obligation/FTA transfer deadline of April 30, 2008. Projects programmed in FY 2008-09 have an obligation request submittal deadline (to Caltrans) of February 1, 2009 and an obligation/FTA transfer deadline of April 30, 2009. No extensions will be granted to the obligation deadline."	April 30 of FY in which funds are programmed in the TIP.
6	Execute PSA	
	Per MTC Resolution 3606, "The implementing agency must execute and return the Program Supplement Agreement (PSA) to Caltrans in accordance with Caltrans Local Assistance procedures. The agency must contact Caltrans if the PSA is not received from Caltrans within 60 days of the obligation. This requirement does not apply to FTA transfers. Agencies that do not execute and return the PSA to Caltrans within the required Caltrans deadline will be unable to obtain future approvals for any projects, including obligation and payments, until all PSAs for that agency, regardless of fund source, meet the PSA execution requirement. Funds for projects that do not have an executed PSA within the required Caltrans deadline are subject to de-obligation by Caltrans."	Within 60 days of receipt of the PSA from Caltrans, and within six months from the actual obligation date. ²
7	Advertise Contract /Award Contract/Award into FTA Grant	
	Per MTC Resolution 3606-Revised, "For the Construction (CON) phase, the construction/equipment purchase contract must be advertised within 6 months of obligation and awarded within 9 months of obligation. However, regardless of the advertisement and award deadlines, agencies must still meet the invoicing deadline for construction funds. Failure to advertise and award a contract in a timely manner could result in missing the subsequent invoicing and reimbursement deadline, resulting in the loss of funding. Agencies must submit the notice of award to Caltrans in accordance with Caltrans Local Assistance procedures, with a copy also submitted to the applicable CMA. Agencies with projects that do not meet these award deadlines will have future programming and OA restricted until their projects are brought into compliance. For FTA projects, funds must be approved/ awarded in an FTA Grant within one federal fiscal year following the federal fiscal year in which the funds were transferred to FTA."	Advertised within 6 months of obligation and awarded within 9 months of obligation. FTA Grant Award: Within 1 year of transfer to FTA.
8	Submit First Invoice / Next Invoice Due	
	Per MTC Resolution 3606-Revised, "Funds for each federally funded (Environmental (ENV/ PA&ED), Preliminary Engineering (PE), Final Design (PS&E) and Right of Way (R/W) phase and for each federal program code within these phases, must be invoiced against at least once every six months following obligation. Funds that are not invoiced at least once every 12 months are subject to de-obligation. There is no guarantee that funds will be available to the project once de-obligated. Funds for the Construction (CON) phase, and for each federal program code within the construction phase, must be invoiced and reimbursed against at least once within 12 months of the obligation, and then invoiced at least once every 6-months there after. Funds that are not invoiced and reimbursed at least once every 12 months are subject to de-obligation by FHWA. There is no guarantee that funds will be available to the project once de-obligated. If a project does not have eligible expenses within a 6-month period, the agency must provide a written explanation to Caltrans Local Assistance for that six-month period and submit an invoice as soon as practicable to avoid missing the 12-month invoicing and reimbursement deadline. Agencies with projects that have not been invoiced against and reimbursed within a 12-month period, regardless of federal fund source, will have restrictions placed on future programming and OA until the project is properly invoiced. Funds that are not invoiced and reimbursed against at least once every 12 months are subject to de-obligation by FHWA."	For Con phase: Once within 12 months of Obligation and then once every 6 months thereafter, for each federal program code. For all other phases: Once within 6 months following Obligation and then once every 6 months thereafter, for each phase and federal program code.

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Definitions of the Required Activities per Resolution 3606 (As revised July 23, 2008)

Index	Definition	Deadline
8a	Inactive Projects	
	Per MTC Resolution 3606-Revised, "Most projects can be completed well within the state's deadline for funding liquidation or FHWA's ten-year proceed-to-construction requirement. Yet it is viewed negatively by both FHWA and the California Department of Finance for projects to remain inactive for more than twelve months. It is expected that funds for completed phases will be invoiced immediately for the phase, and projects will be closed out within six months of the final project invoice. Funds that are not invoiced and reimbursed at least once every 12 months are subject to de-obligation by FHWA. There is no guarantee the funds will be available to the project once de-obligated."	Funds must be invoiced and reimbursed against once every 12 months to remain active.
9	Liquidate Funds	
	Per MTC Resolution 3606-Revised, "Funds must be liquidated (fully expended, invoiced and reimbursed) within six years of obligation. California Government Codes 16304.1 and 16304.3 places additional restrictions on the liquidation of federal funds. Generally, federal funds must be liquidated (fully expended, invoiced and reimbursed) within 6 state fiscal years following the fiscal year in which the funds were appropriated. Funds that miss the state's liquidation/ reimbursement deadline will lose State Budget Authority and will be de-obligated if not re-appropriated by the State Legislature, or extended (for one year) in a Cooperative Work Agreement (CWA) with the California Department of Finance. This requirement does not apply to FTA transfers."	Funds must be liquidated within six years of obligation.
10	Estimated Completion Date/Project Closeout	
	Per MTC Resolution 3606-Revised, "Implementing Agencies must fully expend federal funds on a phase one year prior to the estimated completion date provided to Caltrans. At the time of obligation, the implementing agency must provide Caltrans with an estimated completion date for that project phase. Any un-reimbursed federal funds remaining on the phase after the estimated completion date has passed, is subject to project funding adjustments by FHWA. Projects must be properly closed out within six months of final project invoice. Projects must proceed to construction within 10 years of federal authorization of the initial phase. Federal regulations require that federally funded projects proceed to construction within 10 years of initial federal authorization of any phase of the project. Furthermore, if a project is canceled, or fails to proceed to construction in 10 years, FHWA will de-obligate any remaining funds, and the agency is required to repay any reimbursed funds. If a project is canceled as a result of the environmental process, the agency does not have to repay reimbursed costs for the environmental activities. However, if a project is canceled after the environmental process is complete, or a project does not proceed to construction within 10 years, the agency is required to repay all reimbursed federal funds. Agencies with projects that have not been closed out within 6 months of final invoice will have future programming and OA restricted until the project is closed out or brought back to good standing by providing written explanation to Caltrans Local Assistance, the applicable CMA and MTC."	Est. Completion Date: For each phase, fully expend federal funds 1 year prior to date provided to Caltrans. Project Close-out: Within 6 months of final project invoice.

Notes:

- Approval in the TIP: For administrative/ minor TIP Amendments it is the date of Caltrans approval. For formal TIP Amendments, it is the date of FHWA approval.
- Per DOT letter from Caltrans Local Assistance to MPOs, regarding "Procedural Changes in Managing Obligations", dated 9/15/05.



February 10, 2014 (Report drafted on February 5, 2014)

TO: Transportation Authority of Marin Executive Committee

FROM: Dianne Steinhauser, Executive Director

THROUGH: Bill Whitney – Principal Project Delivery Manager

RE: MTC Status Report on the Regional Measure 2 Program (Discussion), Agenda Item 7

Dear Commissioners:

Executive Summary

The Regional Measure 2 Program was approved by voters in 2004 to fund transportation projects that reduce congestion in the toll bridge corridor. Marin County received \$65,000,000 to fund four projects as follows: Widen Sir Francis Drake Blvd from the Ferry Terminal towards Highway 101, restore the collapsed railroad tunnel under Cal Park Hill for pedestrian and bicycle use (project also prepared tunnel and its approaches to be “passenger rail ready”; these improvements were funded by the RM2 Program under a separate allocation to SMART), construct the Central Marin Ferry Connection Multi-Use Pathway, and make improvements to the Highway 101 Greenbrae Corridor. TAM and our partner agencies have completed two of the four projects and the CMFC project is now about to begin the construction phase. TAM’s efforts to develop a series of multi-modal improvements in the Greenbrae Corridor became the subject of an intensive review through 2013 with major redirection recommended by the TAM Board in September 2013.

In May of last year the Metropolitan Transportation Commission sent a letter to TAM requesting a Regional Measure 2 implementation plan to demonstrate how TAM intends to accelerate its delivery schedule for the Greenbrae Project. MTC noted that of the \$1.5 billion in the capital program \$240 million remains unallocated throughout the region. MTC requested this plan by September 30, 2013. As stated above, the TAM Board, after considerable public debate, provided an alternative direction to pursuing the original proposed project as detailed in the draft environmental document, and instead proposed a series of studies and a variety of projects for consideration by MTC. This revised implementation plan was submitted to MTC for consideration as requested.

MTC’s Programming and Allocation Committee is scheduled to discuss their RM2 Program Delivery Strategy on February 12, 2014. MTC staff will present findings and a recommendation for remaining funds both in the Richmond San Rafael Bridge Corridor as well as other corridors with unused funds around the Bay Area.

TAM will present the MTC staff findings for consideration and discussion by the Executive Committee on February 10th. In all likelihood, MTC will post the report on their website by February 7th. <http://www.mtc.ca.gov/> Staff will share the report with the Executive Committee and distribute it broadly to the local agencies and community members involved.

Recommendation: For Discussion Only